

REMARKS

Claims 1, 2, 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 28 and 29 remain pending in the present application.

Claims 15, 25 and 28 over Borland

Claims 15, 25 and 28 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,556,965 to Borland et al. ("Borland"). The Applicants respectfully traverse the rejections.

Claims 15, 25 and 28 recite downloading a digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source accessible by the remote handset via an Internet.

The Examiner alleges that Borland discloses downloading digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source accessible by the remote handset via an Internet at col. 4, lines 27-33 (See Office Action, pages 2 and 3). The Applicants respectfully disagree.

Borland discloses that commercially available MP3 encoders are generally used to compress CD-quality stereo music to lower bit rates for transmission through the Internet (See col. 4, lines 27-33).

Thus, Borland discusses the Internet in the context of commercially available MP3 encoders that encode music for transmission through the Internet. Borland fails to disclose a remote handset that accesses an Internet, much less that has the ability to directly access a remote bit stream audio source via an Internet, as recited by claims 15, 25 and 28.

For these and other reasons, claims 15, 25 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4, 5 and 29 over Borland in view of Rydbeck

Claims 1, 2, 4, 5 and 29 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Borland in view of International Publication Number WO 99143136 to Rydbeck et al. (“Rydbeck”). The Applicants respectfully traverse the rejections.

Claims 1, 2, 4, 5 and 29 recite a remote handset of a cordless telephone that can switch between performing as a telephony device and performing as an MPEG audio player.

The Examiner acknowledges that Borland fails to disclose a remote handset that can switch between performing as a telephony device and performing as an MPEG audio player (See Office Action, page 4). The reason that Borland fails to disclose a remote handset that can switch between performing as a telephony device and performing as an MPEG audio player is that the MPEG mode IS the telephone mode. If Borland switched out of an MPEG mode, the telephone mode would be disabled leaving the invention useless.

The full claim limitation is in fact a remote handset of a cordless telephone that can switch between performing as a telephony device and performing as an MPEG audio player. The Examiner relies on Rydbeck to allegedly make up for the deficiencies in Borland to arrive at the claimed features. The Applicants respectfully disagree.

Rydbeck discloses a cellular telephone that includes an internally integrated digital entertainment module (Abstract). Audio is played back through a headset while a user engages in leisure activities and automatically mutes or stops playback of the audio until a call is terminated (See Rydbeck, page 7, lines 4-8).

Rydbeck discloses a cellular telephone that switches between playing audio and performing a telephony function. A cellular telephone receives a call signal from a cellular relay tower. A cellular telephone is NOT a remote handset of a cordless telephone. Thus, Rydbeck fails to disclose or suggest the full claim limitation of a remote handset of a cordless telephone that can switch

between performing as a telephony device and performing as an MPEG audio player, as recited by claims 1, 2, 4, 5 and 29.

Neither Borland nor Rydbeck disclose or suggest a remote handset of a cordless telephone that can switch between performing as a telephony device and performing as an MPEG audio player, as recited by claims 1, 2, 4, 5 and 29.

For these and other reasons, claims 1, 2, 4, 5 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 14 and 24 over Borland in view of Ng

Claims 14 and 24 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Borland in view of U.S. Patent No. 6,430,530 to Ng (“Ng”). The Applicants respectfully traverse the rejections.

Claims 14 and 24 recite downloading digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source.

As discussed above, Borland discloses a system and method of using a compressed digital signal for the transmission of an audio signal to/from a cordless telephone (Fig. 2; Abstract; col. 5, lines 1-28). The based unit receives an MPEG formatted voice signal from another caller, with a corresponding remote handset receiving an MPEG formatted voice signal from the based unit (See Abstract; col. 5, lines 1-28).

Thus, Borland discloses a base unit that interfaces with another telephony device to download an MPEG formatted voice signal, with a remote handset interfacing with the base unit to access an MPEG formatted voice signal. Borland discloses downloading a digital bit stream comprised in an MPEG format to a remote handset indirectly through a base unit NOT downloading digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source, as recited by claims 14 and 24.

The Examiner acknowledges that Borland fails to disclose an MPEG format that is stored in memory (See Office Action, page 6). However,

the entire claimed feature is a downloaded digital bit stream music comprised in an MPEG format is stored in Flash memory in a remote handset. The Examiner relies on Ng to allegedly make up for the deficiencies in Borland to arrive at the claimed features. The Applicants respectfully disagree.

The reason Borland fails to disclose an MPEG signal that is stored in a memory is that Borland discloses use of MPEG to transfer real-time voice conversations. Borland fails to disclose or suggest any need to stored an MPEG signal to conduct real-time voice conversations. Thus, any modification of Borland is nonsensical in context of performing Borland's invention.

Ng discloses a system and method to determine if a set of input data is encoded and unencoded (See Abstract). The input data is processed according to the determination of the type of input data (See Ng, Abstract). MP3 formatted files are detected and properly rendered (See Ng, col. 2, lines 13-55). However, Ng fails to disclose or suggest application of any of the disclosure to a cordless telephone, much less a remote handset of a cordless telephone, as recited by claims 14 and 24.

Ng's invention is directed to downloading MP3 input data from the Internet (See Ng, col. 1, lines 19-31). However, Ng fails to disclose or suggest the use of compressed music with a remote handset of a cordless telephone, much less downloading digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source, as recited by claims 14 and 24.

Neither Borland nor Ng disclose or suggest downloading digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source, as recited by claims 14 and 24.

For these and other reasons, claims 14 and 24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 10, 19 and 20 over Borland in view of Tuoriniemi

Claims 9, 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Borland in view of U.S. Patent No. 5,978,689 to Tuoriniemi et al. (“Tuoriniemi”). The Applicants respectfully traverse the rejections.

Claims 9, 10, 19 and 20 recite muting a playing of a pre-loaded MP3 music when a remote handset of a cordless telephone is active in a current telephone call.

The Examiner acknowledges that Borland fails to disclose muting playing of pre-loaded music when a remote handset is active in a current telephone call (See Office Action, page 7). The reason that Borland fails to disclose muting a playing of a pre-loaded MP3 music when a remote handset of a cordless telephone is active in a current telephone call is that the MPEG mode IS the telephone mode. If Borland muted a playing of an MPEG signal, the telephone mode would be disabled leaving the invention useless.

The Examiner relies on Tuoriniemi to allegedly make up for the deficiencies in Borland to arrive at the claimed features. The Applicants respectfully disagree.

Tuoriniemi discloses a personal communication and audio set that is able to play a stored digital audio program (See Fig. 1; col. 9, lines 17-20). Tuoriniemi discloses a cordless telephone within the background of the invention, however, Tuoriniemi’s invention is directed to a personal communication and audio set that does not have the shortcomings associated with a cordless telephone. Thus, Tuoriniemi playing a stored digital audio program from a personal communication and audio set is NOT playing MP3 music from a remote handset of a cordless telephone, much less muting the playing of a pre-loaded MP3 music when the remote handset is active in a current telephone call, as recited by claims 9, 10, 19 and 20.

Moreover, Borland discloses the use of MPEG compression for a telephone conversation. Thus, modifying Borland to mute an MPEG formatted signal, as disclosed by Tuoriniemi, would result in muting a telephone

conversation, which is nonsensical since it is the conversation that the user of a remote handset would want to hear.

Neither Borland nor Tuoriniemi disclose or suggest playing MP3 music from a remote handset of a cordless telephone and muting the playing of a pre-loaded MP3 music when the remote handset is active in a current telephone call, as recited by claims 9, 10, 19 and 20.

For these and other reasons, claims 9, 10, 19 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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